

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CITY OF ALBUQUERQUE,

Plaintiff,

vs.

CIV 09-0120 MCA/GBW

NATHAN E. FIELDS, and all other  
occupants of 701 5<sup>th</sup> Street SW, Apt #4  
Albuquerque, New Mexico 87102-4172

Defendants,

and

NATHAN E. FIELDS,

Counter-Claimant

vs.

CITY OF ALBUQUERQUE,

Defendant.

**INITIAL SCHEDULING ORDER**

This cause is assigned to me for scheduling, case management, discovery and other non-dispositive motions. The Federal Rules of Civil Procedure, as amended, as well as the Local Rules of the Court will apply to this lawsuit.

The parties, appearing through counsel or *pro se*, will “meet and confer” no later than Thursday, July 16, 2009, to formulate a provisional discovery plan. FED. R. CIV. P.

26(f). The time allowed for discovery is generally 120 to 150 days. The parties will cooperate in preparing a *Joint Status Report and Provisional Discovery Plan* ("JSR") which follows the sample JSR available at the Court's web site.<sup>1</sup> The blanks for suggested/proposed dates are to be filled in by the parties. Actual dates will be promulgated by order of the court shortly after entry of the JSR. Plaintiff, or Defendant in removed cases, is responsible for filing the JSR by Thursday, July 23, 2009.

Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the scheduling order that issue from the JSR.

Initial disclosures under FED. R. CIV. P. 26(a)(1) shall be made within fourteen (14) days of the meet-and-confer session.

A Rule 16 scheduling conference will be conducted by telephone **on Thursday, July 30, 2009, at 10:00 a.m.** One of my law clerks will initiate the call to David B. Nava at 505-768-4500 and Michael L. Carrico at 505-848-1800. Please contact my chambers at 575-528-1460 if you wish to be contacted at a different telephone number.

At the Rule 16 scheduling conference, counsel will be prepared to discuss discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert*<sup>2</sup> hearing is needed, initial disclosures, and the time of expert disclosures and

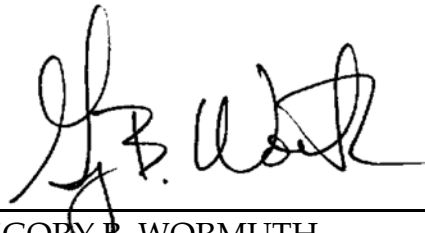
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<sup>1</sup> Pursuant to Administrative Order No. 06-173, the JSR replaces and supersedes the Provisional Discovery Plan and the Initial Pretrial Report, effective January 2, 2007. Please visit the Court's web site, [www.nmcourt.fed.us](http://www.nmcourt.fed.us) to download the standardized *Joint Status Report and Provisional Discovery Plan* form.

<sup>2</sup> *Daubert v. Merrell Dow Pharmaceuticals*, 509 U. S. 579 (1993).

reports under FED. R. CIV. P. 26(a)(2). We will also discuss settlement prospects and alternative dispute resolution possibilities and consideration of consent pursuant to 28 U.S.C. § 636(c). Client attendance is not required. If service on all parties is not complete, plaintiff(s), whether appearing through counsel or *pro se*, is (are) responsible for notifying all parties of the content of this order.

Pre-trial practice in this cause shall be in accordance with the foregoing.

A handwritten signature in black ink, appearing to read "G.B. Wormuth", is written over a horizontal line. The signature is contained within a rectangular box.

GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE